

APPEAL NO. 031754
FILED AUGUST 20, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 10, 2003. The hearing officer determined that the respondent's (claimant) _____, compensable injury extends to the low back and that the claimant had disability from January 31 through May 27, 2003. The appellant (carrier) appealed and the claimant responded, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____. It is clear from the record that the compensable injury involved the claimant's right ankle. The parties did not stipulate as to the nature of the right ankle injury. On appeal, the carrier asserts that the hearing officer erred in making a finding of fact that the claimant suffered ligament or tendon damage to her right ankle in the fall at work on _____. The carrier asserts that it was improper for the hearing officer to define the nature of the right ankle injury because the extent of that injury was not an issue properly before him. In light of the fact that the parties presented conflicting evidence regarding the exact nature of the claimant's compensable right ankle injury, it was not error for the hearing officer to define said injury to support his disability determination.

The issues of extent of injury and disability involved factual questions for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **ARGONAUT INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**BOBBY E. HAMMOND JR.
1431 GREENWAY DRIVE, SUITE 450
IRVING, TEXAS 75038.**

Chris Cowan
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert W. Potts
Appeals Judge